

Remarks

Claims 1-4, 7, 10, 11, 13-16, 18-22, and 25-36 are now pending in the subject application.

In an Office Action mailed August 30, 2000, in the case of Application No. 09/328,294, of which the subject application is a continuation, the Patent Office rejected claims 1-4, 7, 10, 11, 13-16, 18-22, and 25-34 under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). Those same claims, with the same claim numbers (with claims 33 and 34 since amended to correct a typographical error), are now pending in the subject continuation application. Therefore, Applicants submit the following remarks.

The August 30, 2000, Office Action ("the Office Action") rejected claims 1-4, 7, 10-11, 19-22, 25-26, and 32-34 under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,533,103, to Peavey et al. ("Peavey").

The Office Action states that:

The claims read on Peavey as follows: Peavey teaches (Abstract: figures 1, 3, 4, 5; col.2, ln.30-45; col.3, ln.10-47; col.4, ln.17-65; col.5, ln.16-48; col.8, ln.17-col.9, ln.47; col.11, ln.39-52) a system, method, program and software including for constructing and maintaining representations of lifetimes of telephone calls with at least one segment of audio data recorded on recorders including constructing a call record, receiving date of telephony event (agent input) matching (used later for verification), updating (via conversation between agent and customer) and combining into a master call record, a handler routing is invoked corresponding to the telephony event (the caller is held on the line). The data is translated to a platform specific format for storage on the target database. A confidence algorithm is used via a matching of customer ID when retrieving records. A serial number (customer identification) is used to identify the call, and data fields describing customer and agent are provided in the record.

Peavey does not anticipate the claimed invention because Peavey does not teach a system, method, program, or software for constructing and maintaining representations of *the lifetime* of a telephone call, nor for receiving data of telephony event matching, updating and combining. A handler routine is not taught by Peavey to correspond to telephony events. Also, a serial number is not used by Peavey to identify the call. Further, a confidence factor is not used by Peavey in the matching of customer IDs.

Peavey does not teach constructing or maintaining representations of the lifetime of a telephone call. The only telephony-related data Peavey stores is the customer's telephone number and the trunk the telephone call originated from (col. 8, ln. 18-31). The combination

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of these pieces of information does not provide enough information to represent the lifetime of a call. Much like knowing the home address and phone number of a person does not give a representation of his lifetime, knowing the telephone number and originating trunk does not give a representation of a telephone call's lifetime.

Peavey also does not teach receiving the data of telephony event matching, updating or combining into master call records. Peavey does record the time of an agent's input into customer data records. The customer data records hold customer information, not telephony event data. For example, if the Peavey system is used by a telephone marketing agency, the customer data record would hold information relating to which products the customer purchases, plus the customer's name and address. None of the agent entered information is telephony event data, since a telephony event is an action or occurrence, captured by a computer, relating to a telephone call.

Peavey does not teach the use of a handler routine. The Office Action states that Peavey anticipates by teaching "a handler routin[e] is invoked corresponding to the telephony event (the caller is held on the line)." Holding a caller on the line does not anticipate invoking a handler routine. A handler routine is an algorithm dedicated to processing inputs and acting upon the inputs.

Peavey teaches the use of a customer ID as a mechanism for associating audio recording and supplemental text data obtained through agent stations. The Office Action states that this customer ID anticipates the use of a serial number to identify a telephone call. A serial number is a number that uniquely identifies its target relation. The customer ID is not a serial number for a telephone call as required by claims 7 and 25 because the same customer ID could be used for multiple phone calls if the same customer is called more than once. Thus a customer ID is not "a serial number that identifies the telephone call." It is a serial number that identifies a customer.

Moreover, Peavey does not anticipate the claimed invention's use of a confidence factor to perform the calculation. Peavey uses customer identification numbers to identify data received from inputs (col. 3 ln.50-57). Any merger of records occurs only if the records have identical customer identification numbers. This matching does not constitute the use of a confidence factor. The use of a confidence factor implies that an algorithm must be used to determine the significance of the data.

For example, a preferred embodiment of the present invention utilizes the equation:

$$\text{Confidence Factor} = \sum_i ((\text{Match Quality})_i * (\text{Weighting Factor})_i)$$

This equation allows software, for example, to compare the relevance of data by evaluating the value of the resultant confidence factor. Data that is in an unexpected format can be handled by this equation, as can data that is of a different type than the desired match. Peavey does not disclose any mechanics to deal with divergence of data. In the Peavey method, a number is assigned to the customer data record and to the recording, and that number is used to associate the two items. If the Patent Office is asserting that Peavey uses the trivial "confidence factor" of 1 - that is, there is either a perfect match or no match - applicants respectfully request that this point be made clear.

In rejecting claims 13-16, 18, and 27-31 under 35 U.S.C. 103(a), as being unpatentable over Peavey in view of Jorgensen (U.S. Pat. No. 5,867,559), the Office Action states:

Jorgensen teaches (col.3, ln.34-65; col.4, ln.27-col.5, ln.8) details of the verification process including the playback process using file locations, displaying of graphical representations of the telephone call of at least one segment, displaying data representative of a table of the call record as by display of the record itself on computer screen for verification.

Jorgensen does not teach the displaying of graphical representations of the telephone call, nor of displaying data representative of a table of the call record as by display of the record itself. Because Jorgensen does not teach these elements of the claimed invention, and because Peavey does not disclose the elements of the claimed invention alleged by the Office Action, a person skilled in the art would not find the claimed invention obvious with knowledge of Jorgensen in view of Peavey.

Jorgensen teaches a system of validation that displays a customer data record while allowing the playback of a conversation between the customer and an agent (col.3, ln.66 - col.4, ln.11). The displaying of the customer data record does not constitute a graphical representation of the telephone call nor a displaying of a table comprising data from the data representation. The customer data record contains information regarding the customer, not the call. This information could include data such as the customer's address, account number, and purchases. Peavey and Jorgensen, either separately or together, do not disclose any information that would enable the customer data record to provide a graphical representation of the telephone call. The lack of any telephony event data in the customer data record also

reveals the inability to display a graphical representation of a telephone call. Without knowing what telephony events occurred during a telephone call, a graphical representation cannot be made. Because Jorgensen and Peavey do not teach the graphical representation of a telephone call, much less the lifetime of a telephone call, one ordinarily skilled in the art would not find the claimed invention obvious. Moreover, the Office Action fails to cite any motivation in the art at the time of the invention to combine Peavey and Jorgensen.

The Office Action also appears to misinterpret the definition of the word "segment". As described in the specification (pg. 87, ln. 8-11), a segment of a telephone call is a portion of a phone call that is bounded by telephony events such as the initiation of the call, the addition or removal of callers, the transfer of the phone call, or the termination of the call. These "telephone call segments" should not be confused with "audio data segments" which are small slices of audio data which, when combined, form the whole of a *recording* of a telephone call. As the specification describes (pg. 87, ln. 8-11), the audio recordings do not necessarily correlate with the telephone call segments.

In view of the above amendments and remarks, Applicants believe the subject application has been placed in condition for allowance, and such action is respectfully requested. Please charge appropriate fees, if any, to Deposit Account 16-1150.

Respectfully submitted,

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Steven P. Underwood (Reg. No. 47,205)
32,110
For Edmond R. Bannon (Reg. No.)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, NY 10036
(212) 790-9090